

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                           |   |                                     |
|---------------------------|---|-------------------------------------|
| UNITED STATES OF AMERICA, | ) | CASE NO. 1:17 MJ 9011               |
|                           | ) |                                     |
| Plaintiff,                | ) | MJ WILLIAM H. BAUGHMAN              |
|                           | ) |                                     |
| -vs-                      | ) |                                     |
|                           | ) |                                     |
| PHILLIP R. DURACHINSKY,   | ) | <b><u>MOTION TO WITHDRAW AS</u></b> |
|                           | ) | <b><u>COUNSEL</u></b>               |
|                           | ) |                                     |
|                           | ) |                                     |
| Defendants.               | ) |                                     |

Now comes the undersigned counsel, Ronald L. Frey, of The Frey Law Firm, LLC, and pursuant to the Ohio Rules of Professional Conduct, hereby respectfully moves this Honorable Court to permit withdrawal from further representation of the Defendant, Phillip R. Durachinsky, in connection with the above-captioned matter and appoint counsel for Mr. Durachinsky. Pursuant to Rule 83.9 of the Local Rules for the United States District Court for the Northern District of Ohio, the undersigned has provided both oral and written notice to the other parties and to the Defendant of the instant Motion to Withdraw.

Rule 1.16(b)(7) and (9) of the Ohio Rules of Professional Conduct permit withdrawal where the client gives informed consent to the termination of representation or where other good cause for withdrawal exists. Further, Rule 1.16(a)(3) mandates withdrawal the event of discharge. In the case at bar, the Defendant has requested appointed counsel to represent him and

has given informed consent to the termination of the representation. The Defendant is prepared to complete the necessary affidavit to request appointed substitute counsel.

The undersigned has thoroughly discussed this matter with the Defendant and is prepared to communicate with appointed counsel and provide appointed counsel with all necessary documents and information pertaining to this case.

Based on the foregoing information, the undersigned respectfully submits that permitting withdrawal and ordering the substitution of appointed counsel is appropriate in this case. The undersigned further submits that all reasonable efforts have been made to ensure not only that Defendant's constitutional rights are adequately protected, but also to prevent any undue burden or unnecessary delay of these proceedings. The Defendant has yet to be indicted in this matter and the withdrawal can be accomplished without any material adverse effect on the Defendant.

**WHEREFORE**, undersigned counsel, Ronald L. Frey, of The Frey Law Firm, LLC, hereby respectfully requests that this Honorable Court issue an Order granting the undersigned permission to withdraw from further representation of Defendant, Phillip R. Durachinsky, and respectfully requests that substitute counsel be appointed forthwith.

Respectfully submitted,

/s/ Ronald L. Frey  
RONALD L. FREY (0078180)  
Counsel for Defendant  
THE FREY LAW FIRM, LLC  
600 Superior Ave. E #1300  
Cleveland, OH 44114  
(844) 766-3739  
[RF@FreyLegal.com](mailto:RF@FreyLegal.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Withdraw has been served via ECF delivery this 3<sup>rd</sup> day of January 2018, to Daniel J. Riedl Esq., Assistant United States Attorney, at Daniel.Riedl@usdoj.gov, and to all parties indicated on the electronic filing receipt.

/s/ Ronald L. Frey \_\_\_\_\_  
RONALD L. FREY  
Counsel for Defendant